



June 1, 2017

Ms. Eleanor Canter
Consumer
Muskegon, MI

Re: Correspondence to ACL

Dear Ms. Canter,

I am sorry for the delay in responding to your most recent email. Completing a comprehensive examination of the concerns you have raised in correspondence with ILA took longer than expected.

I have reviewed the issues you have raised and the steps taken by Kimball Gray and others on my staff in response to them. In all cases, they were thorough. They reviewed the information you provided and additional information we obtained from the Statewide Independent Living Council and Centers for Independent Living.

Here is what we have concluded. Some of the issues you raise pertain to matters of state law, rules or practices over which ACL has no purview. For example, federal law does not preclude close working relationships between the SILC and the DSE or vocational rehabilitation agencies. Similarly, federal laws and regulations do not mandate open board meetings, and non-profit organizations are exempt from Michigan's Open Meetings Act. However, we agree that open board meetings are conducive to the philosophy and culture of IL, and we encourage centers to conduct board and other meetings in public to the maximum extent possible. We were pleased to find that the board meetings at Disability Network West Michigan (DNWM) are most often open to the public.

In other cases, we investigated the issues you raised and we found the SILC and CILs to be compliant with federal requirements. For example, you have stated that staff positions at DNWM are not filled by people with disabilities. According to the state's most recent 704 reports, 60 percent of decision-making staff and 71% of general staff are individuals with disabilities, well above the minimum requirement of more than 50% stipulated in the Act. The federal IL program has always relied on staff members' self-disclosure of disability status as a means of determining compliance with this requirement. We believe this is compliant with federal law, as well as other disability civil rights requirements. We believe that attempting to determine individuals' disability by any other approach would undercut such requirements as well as be extremely invasive and counterproductive.

Our findings also are supported by a report prepared by the Michigan Department of Health & Human Services Office of Quality Assurance & Internal Control (OQAIC) at the request of the

Designated State Entity, Michigan Rehabilitation Services (MRS). The OQAIC performed an on-site review of DNWM covering the period of January 1, 2015 to March 15, 2016 to evaluate the above allegations. Specifically, the OQAIC report states:

“Concerning employees in decision-making positions and staff, we obtained rosters for both groups for our review period. We reviewed all statements in which the employee disclosed whether they had a disability for both groups. We then computed the disability ratio for each group. Finally, for all employees in both groups we obtained proof of employment, by examining payroll records to ensure they were employed by DNWM during our review period. We concluded that for both groups, employees in decision-making positions and staff, that the ratio exceeded 50% - the minimum requirement every quarter in our review period.

We obtained documents from DNWM identifying all Board meetings since January 1, 2015 to March 15, 2016. We reviewed agency records and noted that during this 15-month period DNWM had conducted 13 board meetings; 12 of these board meetings were open to the public, one meeting held on January 28, 2015 was closed to the public, by design, to discuss internal matters.

We also looked into your allegation that the SPIL had been drafted without consumer input. We found otherwise. The SILC had two public forums prior to the development of the draft; one on November 5, 2015 in Traverse City and one on February 10, 2016 in Grand Haven. In May 2016, the SILC held a public hearing to seek additional input into the final draft and additional changes were made to the goals and objectives based on this input. We believe this demonstrates that the SILC solicited and considered public input.

We have looked in similar detail at all of your concerns. I understand that the Michigan IL programs operate differently than you would like, but as we have explained in earlier emails, phone calls, and in-person meetings, they are compliant with the requirements of the programs overseen by the Independent Living Administration.

I appreciate your unwavering commitment and dedication to our shared mission of ensuring the rights of full participation and integration for people with disabilities, and I can assure you that the ILA is equally committed to ensuring our programs are operated in accordance with applicable laws and regulations. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Williams", written over a light blue horizontal line.

Bob Williams
Acting Commissioner, Administration on Disability
Director, Independent Living Administration
Administration for Community Living
U.S. Department of Health and Human Services

cc: Corinna Stiles, Director, Office of Independent Living
Kimball Gray, IL Program Specialist

